

REMARKS

The present application was subjected to a Requirement for Restriction in accordance with 35 USC 121 and 372. Accordingly, in the action of February 19, 2008, the Examiner identified the following groups or inventions for restriction:

Group I – claim(s) 1-7, 23 and 24, drawn to methods for the treatment and/or prophylaxis of carcinoma, comprising administering an agent which interacts with, or modulates the expression or activity of, a PTK7 polypeptide.

Group II – claim(s) 8-12, 20, 21 and 25, drawn to methods of screening for anti-carcinoma agents that interact with a PTK7 polypeptide.

Group III – claim(s) 13, 22 and 26-28, drawn to agents to identify by the method of claim 10, where the agent interacts with or causes the expression or activity of said polypeptide to change.

Group IV – claim(s) 15-19 and 29-32, drawn to methods of screening and/or diagnosis or prognosis of carcinoma in a subject, and/or monitoring the effectiveness of carcinoma therapy, which comprises the step of detecting and/or quantifying a PTK7 polypeptide.

Applicant initially responded to the Requirement for Restriction by electing the invention of Group II, comprising claims 8-12, 20, 21 and 25. After the response was filed, applicant's domestic representative contacted the undersigned to advise that a mistake had been made in the instructions given by her, and that it was intended that the claims of Group IV, namely, claims 15-19 and 29-32, be elected and prosecuted. As can be seen from the description of the claimed subject matter, both claim groups relate to methods of screening, although Group IV focuses on the screening for a disease state.

Upon being apprised of this situation, the undersigned telephoned the examiner, and a discussion took place on July 17, 2008, the substance of which is set forth in the Examiner Interview Summary mailed on July 25, 2008. During the telephone discussion,

the examiner graciously agreed to the request by the undersigned for permission to submit the present paper, requesting that the election be changed, so that Group IV would be elected instead of Group II. Such correction and request are accordingly made herein.

Therefore, applicant hereby wishes to change his election from that of Group II to the subject matter of Group IV. As the original claims for Group IV were previously canceled without prejudice in the response filed May 18, 2008, applicant submits herewith an amendment of the claims to present new claims 33-41 that correspond identically to canceled claims 15-19 and 29-32. In addition, applicant has canceled claims 8-12, 20 and 21, that were the only claims left pending following the prior response to the requirement for restriction. Claim 25 which was a part of the elected group had been inadvertently previously canceled in the first filed response.

As an election of species has been called for, Applicant reiterates the election of species (a) directed to agents that interact with or modulate the activity of the PTK7 polypeptide. Currently, applicant submits that claims 33-41 are readable on the elected specie.

Applicant again wishes to thank the examiner for the courtesy extended in permitting applicant to revise his position on the response to the Requirement for Restriction. Applicant believes that the foregoing constitutes a full and adequate response to the outstanding Action and believes that an Action on the merits may now proceed. Such further and favorable action is accordingly courteously solicited.

Respectfully submitted,

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